

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers

FROM/PHONE: Russell Muniz, Town Clerk

PREPARED BY: Russell Muniz, Town Clerk

SUBJECT: Other - New Business Item

AFFECTED DISTRICT: Town-Wide

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: New Business Item - Deannexation of I-595 -
Councilmember Caletka

REPORT IN BRIEF: At the December 2, 2009 Town Council meeting Councilmember Caletka asked that this be agendized for this meeting. Attached is the correspondence and backup that he received from Representative Evan Jenne.

PREVIOUS ACTIONS:

CONCURRENCES:

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

If yes, expected cost: \$

Account name and number:

If no, amount needed: \$

What account name and number will funds be appropriated from:

Additional Comments:

RECOMMENDATION(S): Other - This item is being placed on the agenda for further discussion.

Attachment(s): Correspondence from representative Evan Jenne.



Florida House of Representatives

Representative Evan Jenne

Minority Whip

District 100

District Office:

3107 Stirling Road
Suite 207
Ft. Lauderdale, FL 33312
(954) 321-2760

Tallahassee Office:

402 South Monroe Street
1401 The Capitol
Tallahassee, FL 32399-1300
(850) 488-0245

November 16, 2009

The Honorable Bryan Caletka
Davie Town Council, District 1
6591 Orange Drive
Davie, FL 33314

Dear Councilman Caletka:

Thank you for contacting me with your request for assistance in deannexing portions of the Town of Davie, specifically the I-595 roadway.

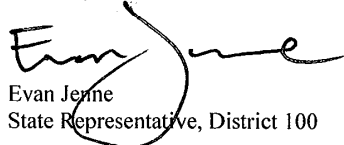
Section 2 (c), of Art. VIII of the State Constitution provides that "[m]unicipal annexation of unincorporated territory, merger of municipalities, and exercise of extra-territorial powers by municipalities shall be as provided by general or special law." This provision authorizes the Legislature to annex unincorporated property into a municipality by special act. It also authorizes the Legislature to establish procedures in general law for the annexation and deannexation of property.

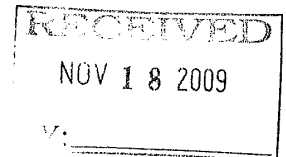
The Legislature established local annexation procedures in general law in 1974, with the enactment of ch. 171, F.S., the "Municipal Annexation or Contraction Act." Chapter 171, F.S., describes the ways that property can be annexed or deannexed by cities without passage of an act by the Legislature. For your convenience, I have enclosed those sections of ch. 171, F.S., that relate specifically to deannexation.

Also enclosed is a quick reference on general steps required for filing local bills, provided by the Broward Legislative Delegation. For a comprehensive "how to" on local bills relating to annexations/deannexations, please visit the following website: <http://www.broward.org/legislative/localbillmanual.htm>.

I hope you find this information helpful. Please feel free to contact my office if I can be of any further assistance.

Sincerely,


Evan Jenne
State Representative, District 100



Committees

Rules & Calendar Council • Policy Council • Transportation & Economic Development Appropriations Committee
• Insurance, Business & Financial Affairs Policy Committee • Military & Local Affairs Policy Committee

Select Year: 2009

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The 2009 Florida Statutes

[Title XII
MUNICIPALITIES](#)[Chapter 171
LOCAL GOVERNMENT BOUNDARIES](#)[View Entire Chapter](#)

171.051 Contraction procedures.--Any municipality may initiate the contraction of municipal boundaries in the following manner:

- (1) The governing body shall by ordinance propose the contraction of municipal boundaries, as described in the ordinance, and provide an effective date for the contraction.
- (2) A petition of 15 percent of the qualified voters in an area desiring to be excluded from the municipal boundaries, filed with the clerk of the municipal governing body, may propose such an ordinance. The municipality to which such petition is directed shall immediately undertake a study of the feasibility of such proposal and shall, within 6 months, either initiate proceedings under subsection (1) or reject the petition, specifically stating the facts upon which the rejection is based.
- (3) After introduction, the contraction ordinance shall be noticed at least once per week for 2 consecutive weeks in a newspaper of general circulation in the municipality, such notice to describe the area to be excluded. Such description shall include a statement of findings to show that the area to be excluded fails to meet the criteria of s. 171.043, set the time and place of the meeting at which the ordinance will be considered, and advise that all parties affected may be heard.
- (4) If, at the meeting held for such purpose, a petition is filed and signed by at least 15 percent of the qualified voters resident in the area proposed for contraction requesting a referendum on the question, the governing body shall, upon verification, paid for by the municipality, of the sufficiency of the petition, and before passing such ordinance, submit the question of contraction to a vote of the qualified voters of the area proposed for contraction, or the governing body may vote not to contract the municipal boundaries.
- (5) The governing body may also call for a referendum on the question of contraction on its own volition and in the absence of a petition requesting a referendum.
- (6) The referendum, if required, shall be held at the next regularly scheduled election, or, if approved by a majority of the municipal governing body, at a special election held prior to such election, but no sooner than 30 days after verification of the petition or passage of the resolution or ordinance calling for the referendum.
- (7) The municipal governing body shall establish the date of election and publish notice of the referendum election at least once a week for the 2 consecutive weeks immediately prior to the election in a newspaper of general circulation in the area proposed to be excluded or in the municipality. Such notice shall give the time and places for the election and a general description of the area to be excluded, which shall be in the form of a map clearly showing the area proposed to be excluded.
- (8) Ballots or mechanical voting devices shall offer the choices "For deannexation" and "Against deannexation," in that order.
- (9) A majority vote "For deannexation" shall cause the area proposed for exclusion to be so excluded upon the effective date set in the contraction ordinance.

(10) A majority vote "Against deannexation" shall prevent any part of the area proposed for exclusion from being the subject of a contraction ordinance for a period of 2 years from the date of the referendum election.

History.--s. 1, ch. 74-190; s. 17, ch. 90-279.

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The 2009 Florida Statutes

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171.052 Criteria for contraction of municipal boundaries.--

(1) Only those areas which do not meet the criteria for annexation in s. 171.043 may be proposed for exclusion by municipal governing bodies. If the area proposed to be excluded does not meet the criteria of s. 171.043, but such exclusion would result in a portion of the municipality becoming noncontiguous with the rest of the municipality, then such exclusion shall not be allowed.

(2) The ordinance shall make provision for apportionment of any prior existing debt and property.

History.--s. 1, ch. 74-190.

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171.043 Character of the area to be annexed.--A municipal governing body may propose to annex an area only if it meets the general standards of subsection (1) and the requirements of either subsection (2) or subsection (3).

(1) The total area to be annexed must be contiguous to the municipality's boundaries at the time the annexation proceeding is begun and reasonably compact, and no part of the area shall be included within the boundary of another incorporated municipality.

(2) Part or all of the area to be annexed must be developed for urban purposes. An area developed for urban purposes is defined as any area which meets any one of the following standards:

(a) It has a total resident population equal to at least two persons for each acre of land included within its boundaries;

(b) It has a total resident population equal to at least one person for each acre of land included within its boundaries and is subdivided into lots and tracts so that at least 60 percent of the total number of lots and tracts are 1 acre or less in size; or

(c) It is so developed that at least 60 percent of the total number of lots and tracts in the area at the time of annexation are used for urban purposes, and it is subdivided into lots and tracts so that at least 60 percent of the total acreage, not counting the acreage used at the time of annexation for nonresidential urban purposes, consists of lots and tracts 5 acres or less in size.

(3) In addition to the area developed for urban purposes, a municipal governing body may include in the area to be annexed any area which does not meet the requirements of subsection (2) if such area either:

(a) Lies between the municipal boundary and an area developed for urban purposes, so that the area developed for urban purposes is either not adjacent to the municipal boundary or cannot be served by the municipality without extending services or water or sewer lines through such sparsely developed area; or

(b) Is adjacent, on at least 60 percent of its external boundary, to any combination of the municipal boundary and the boundary of an area or areas developed for urban purposes as defined in subsection (2).

The purpose of this subsection is to permit municipal governing bodies to extend corporate limits to include all nearby areas developed for urban purposes and, where necessary, to include areas which at the time of annexation are not yet developed for urban purposes whose future probable use is urban and which constitute necessary land connections between the municipality and areas developed for urban purposes or between two or more areas developed for urban purposes.

History.--s. 1, ch. 74-190; s. 2, ch. 76-176.

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GENERAL STEPS REQUIRED FOR LOCAL BILLS

1. A representative from your organization should attend the local bill workshop held by the Broward Legislative Delegation office.
2. File proposed local bill with the Delegation office (checklist is included with this manual) by noon on October 22, 2009.
3. The proposed local bill will be reviewed by the executive director and delegation counsel for proper form and constitutionality.
4. The Delegation office will schedule the first reading and public hearing for all proposed local bills. The first reading is a formality and no testimony will be taken at that time.
5. All proposed local bills are required to be sponsored by a delegation member who shall be required to present the proposed legislation at a public hearing before the Delegation.
6. The Local Bill Public Hearing will be scheduled and all proposed local bills will be voted on by the Delegation members. Your organization should plan to attend this hearing and be prepared to answer any questions the members may have regarding your proposed local bill.
7. All local bills approved by the Delegation will be advertised in a local paper (usually the Sun Sentinel) as required by the rules of the Legislature.
8. All local bills will be submitted to House bill drafting. Local bills cannot be filed with the House unless they have been advertised 30 days or more prior to filing. The deadline for filing local bills is noon the first day of Session (Tuesday, March 2, 2010). Local bills are always sponsored by the Chair and Vice Chair of the Delegation once filed in the Legislature.
9. Once the bills are filed, the Delegation office will request the Speaker of the House to assign the local bills to committees and then will request the committees to place the bills on their agendas for consideration.
10. The local bill will proceed through the committee process in the House of Representatives and will be filed in the Senate at the appropriate time.
11. Once Session is over, the Delegation office will send you a letter informing you of the status of your local bill. If your bill passed the Legislature, the Delegation office will inform you of the Governor's action.